

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONNY SUGGS,

MICHIGAN DEPARTMENT OF
CORRECTIONS OFFICER CABALLERO,

Defendant/

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 28, 2007

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 civil rights action having come before the Court on the August 24, 2007 Report and Recommendation of United States Magistrate Judge Virginia M. Morgan recommending that the Court deny Defendant Caballero's Motions for Summary Judgment and for a Protective Order staying discovery; and Defendant having timely filed objections and Plaintiff having responded thereto; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Defendant's objections, Plaintiff's response and the Court's file of this, action and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's Motion for Summary Judgment

should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of August 24, 2007 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Caballero's Motion for a Protective Order is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment be, and hereby is, DENIED without prejudice to Defendant's right seek summary judgment after the close of discovery.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 28, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 28, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager